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- 6 SEP 2004

To: Prins, A. W. VEREENIGDE Nieuwe Parklaan 97 0-05-01 2587 BN Den Haag PAYS-BAS 31 AUG 2004 BEARINGO AU

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY **EXAMINATION REPORT**

(PCT Rule 71.1)

Date of mailing (day/month/year)

25.08.2004

Applicant's or agent's file reference P61262PC00

IMPORTANT NOTIFICATION

International application No. PCT/NL 02/00552

International filing date (day/month/year) 16.08.2002

Priority date (day/month/year)

16.08.2002

Applicant

STICHTING ASTRON et al.

- 1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
- 2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
- 3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international preliminary examining authority:

European Patent Office

D-80298 Munich Tel. +49 89 2399 - 0 Tx; 523656 epmu d

Fax: +49 89 2399 - 4465

Authorized Officer

Weman, E

Tel. +49 89 2399-7961



INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P61262PC00				FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)				
International application No. PCT/NL 02/00552				International filing date (day/month/year) 16.08.2002		vyear)	Priority date (day/month/year) 16.08.2002	
	lonal			both national classification	and IPC			
Applica STICH		G A	STRON et al.					
1. T	This in Autho	ntern rity a	ational preliminary ex and is transmitted to t	kamination report has be the applicant according to	en prepare Article 36	ed by this Int 3.	emational Preliminary Examining	
2. T	This F	REPO	ORT consists of a total	al of 6 sheets, including t	this cover	sheet.		
	•	heer	amended and are th	panied by ANNEXES, i.e ne basis for this report an tion 607 of the Administra	d <i>i</i> or sheet	s containing	tion, claims and/or drawings which have rectifications made before this Authority rthe PCT).	
7	These	anr	nexes consist of a total	al of sheets.				
2 7	Chic m		contains indications	relating to the following	items•			
3. 7		_						
!		⊠ □	Basis of the opinion				,	
	•	□ ⊠	Priority	of oninion with repart to	novelty in	ventive sten	and industrial applicability	
1		⊠ □		•	noverty, w	ivonuvo stop	and maccinal approaching	
	•	□ ⊠	Lack of unity of inve Reasoned statemer citations and explar		vith regard tatement	i to noveity, i	inventive step or industrial applicability;	
\	VI ·		Certain documents					
\	∕ II		Certain defects in th	ne international applicatio	n			
\	VIII		Certain observation	s on the international app	olication			
Date of	ndue	oiaair	n of the demand		Date of	completion of	this report	
04.03	04.03.2004			25.08.	2004			
	Name and mailing address of the international preliminary examining authority:			Authoriz	ed Officer	And the same of th		
European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465			Teale,	A one No. +49 85	2399-8220			







INTERNATIONAL PRELIMINARY **EXAMINATION REPORT**

International application No.

PCT/NL 02/00552

I.	Basis	of the	report
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Description, Pages

1. With regard to the elements of the international application (Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)):

	1-1	4	as originally filed			
	Cla	ims, Numbers				
	1-2	2	as originally filed			
	Dra	wings, Sheets				
	1-3		as originally filed			
2.	With	h regard to the language , all the elements marked above were available or furnished to this Authority in the guage in which the international application was filed, unless otherwise indicated under this item.				
	The	ese elements were av	ailable or furnished to this Authority in the following language: , which is:			
		the language of a tra	enslation furnished for the purposes of the international search (under Rule 23.1(b)).			
		the language of publ	ication of the international application (under Rule 48.3(b)).			
		the language of a tra Rule 55.2 and/or 55.	nslation furnished for the purposes of international preliminary examination (under 3).			
3.	With inte	h regard to any nucleotide and/or amino acid sequence disclosed in the international application, the rnational preliminary examination was carried out on the basis of the sequence listing:				
		contained in the inte	mational application in written form.			
		filed together with th	e international application in computer readable form.			
		furnished subsequer	ntly to this Authority in written form.			
		furnished subsequer	ntly to this Authority in computer readable form.			
		The statement that the international a	he subsequently furnished written sequence listing does not go beyond the disclosure pplication as filed has been furnished.			
		The statement that the listing has been furnitude.	ne information recorded in computer readable form is identical to the written sequence ished.			
1.	The	amendments have re	esulted in the cancellation of:			
		the description,	pages:			
		the claims,	Nos.:			
		the drawings,	sheets:			



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5.		This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).
		(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)
6.	Add	litional observations, if necessary:
 111	. Noi	n-establishment of opinion with regard to novelty, inventive step and industrial applicability
1.	The	questions whether the claimed invention appears to be novel, to involve an inventive step (to be non- ious), or to be industrially applicable have not been examined in respect of:
		the entire international application,
	×	claims Nos. 21,22
		because:
	Ø	the said international application, or the said claims Nos. 21,22 relate to the following subject matter which does not require an international preliminary examination (specify):
		see separate sheet
		the description, claims or drawings (indicate particular elements below) or said claims Nos. are so unclear that no meaningful opinion could be formed (specify):
		the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
		no international search report has been established for the said claims Nos.
2.	or a	neaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/ Imino acid sequence listing to comply with the standard provided for in Annex C of the Administrative ructions:
		the written form has not been furnished or does not comply with the Standard.
	П	the computer readable form has not been furnished or does not comply with the Standard.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Yes: Claims
No: Claims
20

Inventive step (IS)

Yes: Claims
1-19
No: Claims
20

Industrial applicability (IA)

Yes: Claims
1-20
No: Claims

2. Citations and explanations

PAGS. 7/35

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see separate sheet





INTERNATIONAL PRELIMINARY

International application No. PCT/NL 02/00552

EXAMINATION REPORT - SEPARATE SHEET

Re Item III

(Non-establishment of opinion with regard to novelty, inventive step and industrial applicability.)

Claim 21 sets out a "computer program product" and claim 22 a "data carrier" representing the computer program product of claim 21. Under the PCT International Preliminary Examination Guidelines (version in force from 9 October 1998), IV 2.4 (f) and Rule 67.1(vi) PCT, such claims need not be examined by the IPEA and the IPEA chooses not to carry out such preliminary examination of claims 21 and 22.

Re Item V

(Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement.)

- Reference is made to the following document: 1.
 - D1: US-B-6 239 7471 (KAMINSKI WALTER JOSEPH) 29 May 2001 (2001-05-29)
- D1 forms the closest prior art on file, disclosing (column 12, lines 8 to 27) a 2. method of calibrating phase errors (termed "geometric correction factors") in a sensor array comprising:
 - receiving an output signal of at least two sensor element signals in reaction to an input signal from a signal source (see figure 1, elements 12, 14 and 16), and
 - estimating a cross-correlation between the output signals of at least two of said sensor elements (column 3, lines 1 to 8).
- The subject-matter of claims 1 and 17 differs from this prior art in the features set 3. out in lines 9-20 and 25-5(page 18), respectively, i.e. the features relating to optimising, parameter estimation and the cross-correlation model.
 - Since these difference features are neither known nor derivable from any document on file and are not matters of usual design, the subject-matter of claims 1-19 complies with Article 33(2,3) PCT regarding novelty and inventive step.
- The reference in claim 20 to an array signal processing system being calibrated by 4.



INTERNATIONAL PRELIMINARY **EXAMINATION REPORT - SEPARATE SHEET**

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the claimed method is not seen as restricting the technical features of the array signal processing system, since such a system is indistinguishable from a system using the same calibration parameters, but derived by a different method.

Hence claim 20 is regarded as effectively setting out an "array signal processing system", thus lacking novelty, Article 33(2) PCT, in view of figure 1 of D1.

- As set out above, the IPEA chooses not to examine claims 21 and 22. 5.
- The subject-matter of claims 1-20 complies with Article 33(4) PCT regarding 6. industrial applicability.